

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A. BOLTON,

Plaintiff,

v.

CITY OF BERKELEY, et al.,

Defendants.

Case No. [17-cv-01466-HSG](#)

ORDER DISMISSING CASE

Pro se Plaintiff A. Bolton (“Plaintiff”) filed this action on March 17, 2017. Dkt. No. 1. The same day, Plaintiff filed a motion for leave to proceed *in forma pauperis* (“IFP”). See Dkt. No. 3. On March 27, 2017, Magistrate Judge Sallie Kim denied the motion without prejudice because Plaintiff failed to provide information regarding “the funds from which he receives support, e.g., wages, Social Security, public assistance,” or the “source of income from which [Plaintiff’s] property is maintained or from which Plaintiff is provided a living.” *Id.* Judge Kim thus found the application incomplete and provided Plaintiff with “one additional opportunity to present a revised application resolving this conflict” by April 27, 2017. *Id.* The case was then reassigned to this Court on April 4, 2017. Dkt. No. 8.


On April 20, 2017, Judge Kim’s order was returned to the Court as undeliverable. Dkt. No. 10. However, on April 24, 2017, the Court sent a new copy of the order to Plaintiff at his request, which has not been returned. See Dkt. No. 11. Nearly two months have elapsed since Plaintiff received Judge Kim’s order, and Plaintiff has failed to file any additional paperwork supporting his IFP application. The action is therefore **DISMISSED** without prejudice for failure to pay the filing fee or to submit a complete IFP application. Plaintiff may file a new action, but should include a filing fee or an IFP application with a new complaint to commence

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that new action. Because this action is now dismissed, plaintiff should *not* file an IFP application or pay the filing fee in this action. The Clerk shall close the file.¹

IT IS SO ORDERED.

Dated: 6/14/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge

¹ Notwithstanding his failure to pay the filing fee or submit a complete IFP application, Plaintiff has continued to file documents in this action over the past several weeks. No further filings will be accepted in this closed case.